

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 01-CB-297672	Date Filed 6-15-22

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name North Atlantic States Regional Council of Carpenters	b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 750 Dorchester Avenue, Boston, MA 02125	d. Tel. No. 800-275-6200	e. Cell No.
	f. Fax No.	(b) (6), (b) (7)(C)@nasrcc.org
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8 (b) (1) (A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about June 14, 2022, the above-named labor organization, through its officers and agents, restrained and coerced employees in the exercise of the rights guaranteed in section 7 of the NLRA by blocking ingress to and egress from a construction site at 275 Hancock Street in Quincy, MA.

3. Name of Employer Callahan Construction	4a. Tel. No. 508-279-0012	b. Cell No.
	c. Fax No.	d. e-Mail wendell@callahan-inc.com
5. Location of plant involved (street, city, state and ZIP code) 275 Hancock Street, Quincy, MA 02171		6. Employer representative to contact Carol Chandler
7. Type of establishment (factory, mine, wholesaler, etc.) construction site	8. Identify principal product or service construction	9. Number of workers employed 50
10. Full name of party filing charge Callahan Construction	11a. Tel. No. 508-279-0012	b. Cell No.
	c. Fax No.	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) 80 First Street, Bridgewater, MA 02324		

12. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By Carol Chandler Carol Chandler, Attorney
(signature of representative or person making charge) (Print/type name and title or office, if any)

Stoneman, Chandler & Miller LLP

Address 99 High Street, Suite 1302, Boston, MA 02110 (date) 6/15/22

Tel. No. 617-542-6789
Cell No.
Fax No. 617-340-8587
e-Mail cchandler@scmlp.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)


PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case	01-CC-303528
Date Filed	9-15-22

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
Name North Atlantic States Regional Council of Carpenters		h. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 750 Dorchester Avenue, Boston, MA 02125		d. Tel. No. 800-275-6200	e. Cell No. (b) (6), (b) (7)(C)
		f. Fax No. 617-268-1894	
		g. e-mail (b) (6), (b) (7)(C) @nasrcc.org	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) 4 (ii) (B) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about September 15, 2022, the above-named labor organization, through its officers and agents, has threatened, coerced or restrained persons engaged in commerce with the object forcing or requiring persons to cease doing business with another person in violation of the NLRA. Injunctive relief under Section 10(1) of the Act is required.			
3. Name of Employer Callahan, Inc.		4a. Tel. No. 508-279-0012	b. Cell No.
		d. e-mail	c. Fax No. 508-279-0032
5. Location of plant involved (street, city, state and ZIP code) 5 Washington Street, Brookline, MA 02446		6. Employer representative to contact Carol Chandler, Esq.	
7. Type of establishment (factory, mine, wholesaler, etc.) Construction Site	8. Identify principal product or service Construction		9. Number of workers employed 20
10. Full name of party filing charge Callahan, Inc.			
11. Address of party filing charge (street, city, state and ZIP code) 80 1st Street, Bridgewater, MA 02324		11a. Tel. No. 508-279-0012	b. Cell No.
		d. e-mail	c. Fax No. 508-279-0032
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) Stoneman, Chandler & Miller LLP Address 99 High Street, Suite 1302, Boston, MA 02110 Date 9/15/22			Tel. No. 617-542-6789 Cell No. Fax No. 617-340-8587 e-mail cchandler@scmlp.com

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PRIVACY ACT STATEMENT**

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

**NORTH ATLANTIC STATES REGIONAL COUNCIL
OF CARPENTERS**

and

CALLAHAN CONSTRUCTION, INC.

**Cases 01-CB-297672
01-CB-300013
01-CC-303528**

**ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board), and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 01-CB-297672, 01-CB-300013, and 01-CC-303528, which are based on charges filed by Callahan Construction, Inc. (“Callahan”), against the North Atlantic States Regional Council of Carpenters (Respondent), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board’s Rules and Regulations, and alleges Respondent has violated the Act as described below.

1. (a) The charge in Case 01-CB-297672 was filed by Callahan on June 15, 2022, and a copy was served on Respondent by U.S. mail on June 15, 2022.

(b) The charge in Case 01-CB-300013 was filed by Callahan on July 22, 2022, and a copy was served on Respondent by U.S. mail on July 25, 2022.

(c) The charge in Case 01-CC-300013 was filed by Callahan on September 15, 2022, and a copy was served on Respondent by U.S. mail on September 15, 2022.

2. (a) At all material times, Callahan has been a corporation with an office located at 80 First Street, Bridgewater, Massachusetts, and has been engaged in construction services.

(b) Annually, Callahan provides services valued in excess of \$50,000 to customers located directly outside the Commonwealth of Massachusetts.

3. At all material times, Callahan has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. At all material times, Respondent has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C) for Respondent and has been an agent of Respondent within the meaning of Section 2(13) of the Act.

6. From about December 1, 2021 to about August 1, 2022, Respondent established and maintained a picket line at the Callahan jobsite located at 602 Broadway Street in Everett, Massachusetts (the Everett Site).

7. Throughout the period described in paragraph 6, Respondent, by individuals aligned with Respondent but whose identities are currently unknown to the General Counsel, in the conduct of the picket-line activity described above in paragraph 6 and in the presence of other employees, impeded entrance to and exit from the Everett Site.

8. About June 14, 2022, Respondent established and maintained a picket line at the Callahan jobsite located at 225 Hancock Street in Quincy, Massachusetts (the Quincy site).

9. About June 14, 2022, Respondent, by individuals aligned with Respondent but whose identities are currently unknown to the General Counsel, in the conduct of the picket-line activity described above in paragraph 8 and in the presence of other employees, impeded entrance to and exit from the Quincy site.

10. From about October 2021 to the present, Respondent has been engaged in a labor dispute with Optiline Drywall.

11. At no material time has Respondent been engaged in a labor dispute with CL Noonan.

12. Since about October 2021, Respondent has picketed a jobsite managed by Callahan in Brighton, Massachusetts (the Brighton Site) with signs stating that Turner Brothers, Optiline Drywall, Colt Builders, or Sea & Shore do “not pay area standard wages and benefits.”

13. (a) About August 2022, Callahan established and maintained a reserved gate system at the Brighton Site in which it designated one of the four gates as the Picket Gate. The Picket Gate was located at the corner of Washington Street and Corey Road and was labeled as Gate #1. The sign at Gate #1 identified the four contractors designated to use that gate. The other

three gates, Gates #2, #3, and #4 were designated as Neutral Gates to be used by all other subcontractors and Callahan.

13. (b) About September 15, 2022, Respondent, at Neutral Gate #2, picketed and appealed to individuals employed by CL Noonan, a Neutral subcontractor, to cease doing business with Optiline Drywall, in support of its dispute with Optiline Drywall described above in paragraphs 10 and 12.

14. By the conduct set forth above in paragraph 13, Respondent has induced or encouraged individuals employed by CL Noonan, and other persons engaged in commerce or in an industry affecting commerce to refuse to perform services, and has threatened, coerced, or restrained CL Noonan and other persons engaged in commerce or in industries affecting commerce.

15. An object of Respondent's conduct described above in paragraphs 13 and 14 has been in part to force or require CL Noonan, Callahan, and other persons to cease handling or otherwise dealing in the products of, cease doing business with Optiline Drywall.

16. By the conduct described above in paragraphs 7 and 9, Respondent has been restraining and coercing employees in the exercise of their rights guaranteed in Section 7 of the Act in violation of Section 8(b)(1)(A) of the Act.

17. By the conduct described above in paragraphs 13 and 14, Respondent has been violating Section 8(b)(4)(i)(ii)(B) of the Act.

18. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, the General Counsel further seeks an Order providing for all relief as may be just and proper to remedy the unfair labor practices alleged, including, but not limited to, requirements that Respondent:

- (a) electronically distribute the Notice to Employees and Members to all employees referred by Respondent to construction work in New England by text messaging, posting on social media websites, and posting on the Respondent's website; and
- (b) at a Union meeting or meetings scheduled to ensure the widest possible attendance, have (b) (6), (b) (7)(C) read aloud the Notice to Employees and Members or have a Board agent read the Notice to Employees and Members in the presence of a Union representative, and make a video recording of the reading of the Notice to Employees and Members, with the

recording being distributed to employees and Union members by electronic means or by mail.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before January 27, 2023**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on May 2, 2023, at 10:00 a.m., at the Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, Suite 1002, Boston, Massachusetts, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding has the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: January 13, 2023



Laura A. Sacks, Regional Director
Region 01
National Labor Relations Board

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 01-CB-297672, et al.

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
North Atlantic States Regional Council
of Carpenters
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Email: (b) (6), (b) (7)(C)@nasrcc.org
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Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.